

Declaration, Power Of Attorney and Petition

Page 1 of 3

WE (I) the undersigned inventor(s), hereby declare(s) that :

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled
WIDE AREA MULTI-MODE INTERFEROMETRIC AMPLIFIER WITH RECOMBINER

the specification of which

- ☐ is attached hereto.
- ☐ was filed on
as Application Serial No.
and amended on
- ☒ was filed as PCT international application
Number PCT/FR98/01954
on September 11, 1998
and was amended under PCT Article 19
on September 28, 1999

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119 (a)-(d) or § 365 (b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application (s)

Application No.	Country	Day/month/Year	Priority Claimed	
97 11391	FRANCE	12 SEPTEMBER 1997	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
_____	_____	_____	<input type="checkbox"/> YES	<input type="checkbox"/> NO
_____	_____	_____	<input type="checkbox"/> YES	<input type="checkbox"/> NO
_____	_____	_____	<input type="checkbox"/> YES	<input type="checkbox"/> NO

We (I) hereby claim the benefit under Title 35, United States Code, § 119 (e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of prior application and the national or PCT International filing date of this application.

Application Serial No.

Filing Date

Status (pending, patented,
abandoned)

And we (I) hereby appoint :Charles B. Gordon, Registration Number 16,923; William C. McCoy, Registration Number 16,885; Louis V. Granger, Registration Number 15,999, William A. Gail, Registration Number 17,409; Richard H. Dickinson Jr, Registration Number 18,622; Thomas P. Schiller, Registration Number 20,677; David B. Deima, Registration Number 22,841; Joseph J. Corso, Registration Number 25,845; Howard G. Shimola, Registration Number 26,232; Jeffrey J. Sopko, Registration Number 27,676; John P. Murtaugh, Registration Number 34,226; James M. Moore, Registration Number 32,923; David E. Spaw, Registration Number 34,732; Michael W. Garvey, Registration Number 35,878; Paul R. Katterle, Registration Number 36,563; Richard M. Mescher, Registration Number 38,242 and Mark E. Bandy, Registration Number 35,788; our (my) attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith; and we (I) hereby request that all correspondence regarding this application be sent to the firm of PEARNE, GORDON, McCOY & GRANGER whose Post Office Address is : 526 Superior Avenue east Suite 1200 Cleveland, Ohio 44114-1484.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true ; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardise the validity of the application or any patent issuing thereon.

DEVAUX Fabrice

NAME OF FIRST ~~SOLE~~ INVENTOR

Signature of Inventor

21 MARCH 2000
Date

Residence : 17 rue L. Boland, 92200
Montrouge, France

Citizen of : France

Post Office Address : The same as residence

VERGNOL Eric

NAME OF SECOND INVENTOR

Signature of Inventor

14/03/2000
Date

NAME OF THIRD INVENTOR

Signature of Inventor

Date

NAME OF FOURTH INVENTOR

Signature of Inventor

Date

NAME OF FIFTH INVENTOR

Signature of Inventor

Date

Residence : 4 rue du jour

92160 ANTONY, France

Citizen of : France

Post Office Address : The same as residence

Residence :

Citizen of :

Post Office Address : The same as residence

Residence :

Citizen of :

Post Office Address : The same as residence

Residence :

Citizen of :

Post Office Address : The same as residence



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

OCTOBER 30, 2003

PTAS

U.P. PETER ENG
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
FH 1-2
PALO ALTO, CA 94304-1050



700050311A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/28/2003

REEL/FRAME: 014086/0035
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
ALCATEL

DOC DATE: 07/31/2003


ASSIGNEE:
AVANEX CORPORATION
40919 ENCYCLOPEDIA CIRCLE
FREMONT, CALIFORNIA 94538

SERIAL NUMBER: 09508340
PATENT NUMBER:

FILING DATE: 05/25/2000
ISSUE DATE:

THERESA FREDERICK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

10/28/2003
700050311

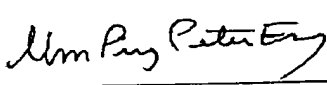
FORM PTO-1595		RECORDATION FORM COVER SHEET		U.S. DEPARTMENT OF COMMERCE	
1-31-92		PATENTS ONLY		Patent and Trademark Office	
To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): Alcatel 54 rue La Boétie, 75008 Paris, France Additional name(s) of conveying party(ies) attached? <div style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>			2. Name and address of receiving party(ies): Name: Avanex Corporation Street Address: 40919 Encyclopædia Circle City/State/Zip: Fremont, California 94538 Additional name(s) & address(es) attached? <div style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>		
3. Nature of conveyance: <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Security Agreement <input type="checkbox"/> Other </div> <div> <input type="checkbox"/> Merger <input type="checkbox"/> Change of Name </div> </div>			Execution Date: <u>July 31, 2003</u>		
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is:					
A. Patent Application No.(s): <u>09/508,340</u>			B. Patent No.(s):		
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
5. Name and address of party to whom correspondence concerning document should be mailed: Name: U.P. Peter Eng Internal Address: FH 1-2 Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304-1050			6. Total number of applications and patents involved: [1]		
			7. Total fee (37 CFR 3.41) <u>\$40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account		
			8. Deposit account number: <u>23-2415</u> (Attorney Docket No.: 20397.700)		
DO NOT USE THIS SPACE					
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>					
 U.P. Peter Eng, Reg. No. 39,666 Name of Person Signing		Signature		October 28, 2003 Date	
Total number of pages including cover sheet, attachments, and document: [8]					

C.H. \$40.00 232415 09508340

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
3666 Memory TX	917033065995	P. 8	OK	

Reason for error
E.1) Hang up or line fail
E.3) No answer

E.2) Busy
E.4) No facsimile connection

FORM PTO-1595 1-31-92		RECORDATION FORM COVER SHEET PATENTS ONLY		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office	
To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): Alcatel 54 rue La Boétie, 75008 Paris, France Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party(ies): Name: Avanex Corporation Street Address: 40919 Encyclopedia Circle City/State/Zip: Fremont, California 94538 Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Security Agreement <input type="checkbox"/> Other <input type="checkbox"/> Merger <input type="checkbox"/> Change of Name		Execution Date: July 31, 2003			
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is:					
A. Patent Application No.(s): 09/508,340			B. Patent No.(s):		
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
5. Name and address of party to whom correspondence concerning document should be mailed: Name: U.P. Peter Eng Internal Address: FH 1-2 Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304-1050		6. Total number of applications and patents involved: [1]			
		7. Total fee (37 CFR 3.41) \$40.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account			
		8. Deposit account number: 23-2415 (Attorney Docket No.: 20397-700)			
DO NOT USE THIS SPACE					
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>					
U.P. Peter Eng, Reg. No. 39,566 Name of Person Signing		 Signature		October 28, 2003 Date	
Total number of pages including cover sheet, attachments, and document: [8]					

1-31-92

PATENTS ONLY

Patent and Trademark Office

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Alcatel
54 rue La Boétie,
75008 Paris, France

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Avanex Corporation

Street Address: 40919 Encyclopedia Circle

City/State/Zip: Fremont, California 94538

Additional name(s) & address(es) attached?

☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: July 31, 2003

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s): 09/508,340

B. Patent No.(s):

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: U.P. Peter Eng
Internal Address: FH 1-2
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304-1050

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 3.41) \$40.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number: 23-2415
(Attorney Docket No.: 20397.700)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.



U.P. Peter Eng, Reg. No. 39,666

October 28, 2003

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: [8]

PATENT ASSIGNMENT

This Patent Assignment ("Assignment") is made as of July 31, 2003 by **Alcatel**, a French Company organized and existing under the laws of France, having its registered office 54 rue La Boétie, 75008 Paris, France ("Assignor"), to **Avanex Corporation**, a Delaware corporation having a place of business at 40919 Encyclopedia Circle, Fremont, California 94538, United States of America ("Assignee").

RECITALS

A. Assignor, Assignee and Corning Incorporated have entered into a Share Acquisition and Asset Purchase Agreement dated as of May 12, 2003 (the "Purchase Agreement").

B. Assignor owns the patent(s) issued by the United States Patent and Trademark Office and certain foreign patent and trademark offices, as well as patent applications filed with the United States Patent and Trademark Office and certain foreign patent and trademark offices, as set forth on Schedule A hereto (the "Patents").

C. Pursuant to the Purchase Agreement, Assignor desires to assign to Assignee all of Assignor's right, title and interest in and to the Patents.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants and agreements contained in the Purchase Agreement and the covenants and agreements in this Assignment and to induce Assignee to consummate the transactions contemplated by the Purchase Agreement, Assignor agrees as follows:

1. Assignor does hereby irrevocably sell, transfer, convey, assign and deliver to Assignee all of Assignor's right, title and interest in and to the Patents (and regarding Patents that are patent applications, any patents that may issue therefrom), including any foreign counterparts, patents or patent applications to which the Patents claim priority, divisionals, continuations in whole or in part, reexaminations, reissues or extensions thereof, and the right to claim priority to any of the preceding, the same to be held by Assignee for Assignee's own use and enjoyment, and for the use and enjoyment of Assignee's successors, assigns and other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made; together with all claims for damages by reason of past infringements of the Patents and the right to sue for and collect such damages, as permitted under the applicable laws for any jurisdiction or country in which such claims may be asserted (provided, however, that the foregoing does not require Assignor to pay to Assignee any revenues or damages previously recovered or to be recovered pursuant to contracts previously concluded by Assignor, nor does it amend any other written agreements between Assignor and Assignee with respect thereto), for the use and benefit of Assignee and its successors, assigns and other legal representatives.

2. Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any officer of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of intellectual property protection or applications as aforesaid, to issue the same to Assignee and its successors, assigns and other legal representatives in accordance with the terms of this instrument.

IN WITNESS WHEREOF, Assignor has executed this Assignment.

ASSIGNOR

By: 
Signature

Printed Name: Ulrich Knecht

Title: Director Intellectual Property

Schedule A

Certificate of Signature

The signature executed before me above by

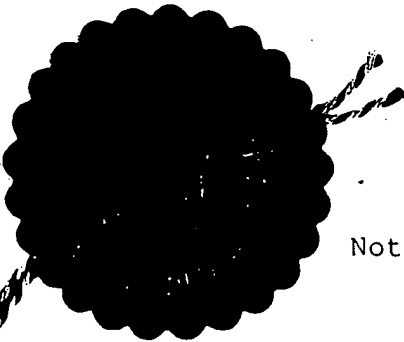
Mr. Ulrich K n e c h t ,
born March 02th, 1957,
Lorenzstr. 10, 70435 Stuttgart,

-identified by ID-Card of the Federal Republic
of Germany-

is herewith duly certified.

Stuttgart, July 25th, 2003

UR-Nr. 406 / 2003



Hans Ulrich K u r z
Notary Public at Stuttgart

Schedule A

REDACTED

ALCATEL patents to be assigned

doctet	Patent card title	country	protection type	date of status	status	filing date	filing No.	publication date	publication No.	grant date	grant No.
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104211	LARGE SURFACE AMPLIFIER	DE	EPT	5/14/03	GRT	9/11/98	88 943 973.2	6/28/00	1,012,844	5/14/03	1,012,844
		EP	EPT	5/14/03	GRT	9/11/98	88 943 973.2	6/28/00	1,012,844	5/14/03	1,012,844
		FR	NP	10/22/99	GRT	9/12/97	97 11 391	3/19/99	2,768,524	10/22/99	2,768,524
		GB	EPT	5/14/03	GRT	9/11/98	88 943 973.2	6/28/00	1,012,844	5/14/03	1,012,844

May 9th, 2003

44/62

REDACTED

ALCATEL patents to be assigned

docket	Patent card title	country	protection type	date of status	status	filing date	filing No.	publication date	publication No.	grant date	grant No.
		US	PCT	8/11/98	FLG	9/11/98	09/508 340				

22V 32433



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Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUNE 29, 2000

PTAS

MICHAEL W. GARVEY
526 SUPERIOR AVENUE, EAST
SUITE 12000
CLEVELAND, OH 44114



101342626A

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PENNINGTON, GORDON MCCOY
& GRANGER

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RECORDATION DATE: 04/10/2000

REEL/FRAME: 010741/0005

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DEVAUX, FABRICE

DOC DATE: 03/21/2000

ASSIGNOR:

VERGNOL, ERIC

DOC DATE: 03/14/2000

ASSIGNEE:

FRANCE TELECOM
6, PLACE D'ALLERAY
75015 PARIS, FRANCE

SERIAL NUMBER: 09508340

FILING DATE: 05/25/2000

PATENT NUMBER:

ISSUE DATE:

DIANE RUSSELE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

05-03-2000



101342626

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): 4.10.00**Fabrice Devaux & Eric Vergnol**Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of Conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: **March 21, 2000**
& **March 14, 2000**

2. Name and address of receiving party(ies):

Name: France Telecom

Internal Address: _____

Street Address: 6, Place d'AllerayCity: Paris State: France Zip: 75015Additional name(s) of receiving party(ies) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: **March 21, 2000 & March 14, 2000**A. Patent Application No.(s): **09/508,340**

B. Patent No.(s): _____

Additional number(s) attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Michael W. Garvey

Street Address:

526 Superior Avenue, EastSuite 12000City: Cleveland State: OH Zip: 441146. Total number of applications and patents involved: 17. Total Fee (37 C.F.R. §3.41)**\$40.00**

- ☒ Enclosed
☐ Authorized to be charged to Deposit Account

8. Deposit Account No.

16-0820, Order No. 32433

(Attach duplicate copy of this page if paying by deposit account)

05/02/2000 15H0072 00000106 09500742

05/02/2000

10.00 00

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9. Statement and Signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Michael W. Garvey

Name of Person Signing

SignatureApril 5, 2000

Date

Total number of pages including cover sheet, attachments, and document: 3

Assignment Of Application

Page 1 of 2

WHEREAS, I (WE) 1/ DEVAUX Fabrice : 17, rue L. Roland, 92120 MONTROUGE, FRANCE and 2/ VERGNOL Eric : 4, rue du Jour, 92160 ANTONY, FRANCE

respectively, have invented certain new and useful improvements in : WIDE AREA MULTI-MODE INTERFEROMETRIC AMPLIFIER WITH RECOMBINER

for which an application for Letters Patent was executed on
(Application No. 09/508,340 , filed March 10, 2000), and

WHEREAS, FRANCE TELECOM

(hereinafter referred to as "assignee") having a place of business at :

6, Place d'Alleray
75015 PARIS FRANCE

is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters patent that may be granted therefore in the United States and its territorial possessions and in any and all foreign countries ;

NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00), the receipt whereof is hereby acknowledge, and for other good and valuable consideration, I (WE), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters patent which may be granted thereof in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, substitutions and renewals thereof.

I (WE) hereby authorise and request the Patent Office Officials in the United States and its territorial possessions and any all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right , title and interest in and to the same, for the sole use and behoof of said ASSIGNEE, its (his) successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

Further, I (WE) agree that I (WE) will communicate to said ASSIGNEE or its (his) representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letter Patent to be issue to said ASSIGNEE, make all rightful oaths, and, generally do everything possible to aid said ASSIGNEE, its (his) successors and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant(s) the firm of PEARNE, GORDON, McCOY & GRANGER of 526 Superior Avenue East Suite 1200 Cleveland, Ohio 44114-1484 the power to insert on this assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States patent and trademark office for recordation of this document.

Date : 21 MARCH 2000

DEVAUX Fabrice

(Signature of Inventor)

Date : 14 March 2000

VERGNOL Eric

(Signature of Inventor)

Date : _____

(Signature of Inventor)

Date : _____

(Signature of Inventor)

Date : _____

(Signature of Inventor)

Date : _____

(Signature of Inventor)

Date : _____

(Signature of Inventor)

Date : _____

(Signature of Inventor)

PEARNE, GORDON, McCOY & GRANGER

526 Superior Avenue East

Suite 1200

Cleveland, Ohio 44114-1484